

AMENDMENTS TO THE DRAWINGS:

Please replace the drawing sheet submitted with the Amendment filed on June 20, 2008, containing a drawing labeled as Figure 4, with the replacement drawing sheet attached hereto. The only changes to the drawing are: the relabeling of the drawing as Figure 6 and the relabeling of reference numbers 101-103 as 141-143, respectively. These changes have been made in order to avoid conflicts with the drawings added in the Amendment filed September 15, 2004. Accordingly, no new matter is believed to have been added.

REMARKS

Claims 1, 7, 8, 11, 12, 17, 18, 21, 23 and 25-38 are now pending in the application, with claims 1, 11, 29 and 33 being the independent claims. Reconsideration and further examination are respectfully requested.

In the Office Action, claims 1, 5, 9, 11, 12, 15, 19 and 25-33 were rejected under 35 USC § 103(a) over an article by Hoschka titled "An Introduction to the Synchronized Multimedia Integration Language" (Hoschka) in view of U.S. Patent No. 6,961,895 (Beran); and claims 7, 8, 17, 18, 21 and 23 I were rejected under § 103(a) over Hoschka in view of Beran and the Network Working Group Request for Comments 1321 (Rivest). Withdrawal of these rejections is respectfully requested for the following reasons.

Generally speaking, the present invention concerns systems, methods, apparatuses and techniques for sending and receiving programming content, such as a software program or content for playing on an electronic device, which is divided into chunks of data and transmitted or received as such, together with a manifest file for describing how to execute, play and/or reassemble the various individual chunks, using a combination of electronic transmission and delivery on a physical storage medium. Such multi-path hybrid delivery can be usefully employed, e.g., in connection with piracy prevention and other security applications, as well as for providing backup transmission redundancy.

Thus, independent claim 1 is directed to methods for use in delivering programming content. Initially, programming content is divided into smaller chunks of data, the programming content including: (i) a software program and/or (ii) content for playing on an electronic device. A chunk file is created for each chunk of data and a manifest file is generated, the manifest file including information describing how to execute and/or play the chunks of data. Finally, the

created chunk files and the generated manifest file are transmitted to a remote location, with at least one of the files being transmitted electronically and at least one of the files being transmitted on a physical storage medium.

The foregoing combination of features is not disclosed or suggested by the applied art. For example, no permissible combination of Hoschka and Beran would have disclosed or suggested at least the features of dividing programming content into chunks of data and then transmitting to a remote location: (1) chunk files, each containing one of the chunks, and (2) a manifest file that describes how to execute and/or play the chunks of data, where at least one of the files is transmitted electronically and at least one of the files is transmitted on a physical storage medium.

In this regard, Hoschka discusses the Synchronized Multimedia Integration Language (SMIL). As noted in the very first column of Hoschka, the purpose of SMIL is to “allow a broader audience to author multimedia presentations for the Web.” The rest of Hoschka reinforces this concept. That is, SMIL (which is the sole subject of Hoschka) is an *authoring* tool - a tool for incorporating information and media from multiple different sources to create a presentation.

Beran concerns synchronization of text and audio data, where the audio data has been generated by a human narrator reading the text into a computer. See, e.g., Beran’s Abstract. In order to accomplish this goal, Beran’s technique generates SMIL files to describe the overall text-audio synchronization. See, e.g., column 6 lines 40-56 of Beran.

The Office Action first asserts that Figure 2 of Hoschka discloses the presently recited step of dividing programming content into smaller chunks of data. However, there is absolutely nothing in Hoschka do indicate that the individual components shown in its Figure 2 have been

generated by dividing any programming content into smaller chunks of data. To the contrary, it appears that the components shown in Hoschka's Figure 2 actually are the starting components for synthesizing Hoschka's media presentation. As noted above, SMIL is solely concerned with synthesizing new presentations, not dividing existing content.

Moreover, there is nothing in Beran that overcomes this deficiency. It is noted that in Beran, the original text file and the generated audio files are separately generated components that are later combined through the use of SMIL files. Such components are not chunks of data into which some original programming content has been divided. Accordingly, for this reason alone, independent claim 1 could not have been obvious in view of the applied art.

In addition, the Office Action acknowledges that Hoschka does not teach the presently recited feature of transmitting at least one of the files electronically and transmitting at least one of the files on a physical storage medium. To make up for this deficiency, the Office Action asserts that, "Beran shows that transmitting SMIL files and their related contents both electronically and via a physical storage medium are obvious variations," citing column 6 line 57 to column 7 line 4 of Beran.

However, that portion of Beran only appears to talk about distributing all of Beran's resulting content and synchronization files electronically or distributing all of Beran's resulting content and synchronization files on a physical medium. It does not say anything about splitting up the files so that some are sent electronically and some are sent on a physical medium.

Thus, no permissible combination of Hoschka and Beran would have disclosed or suggested the above-referenced features of the present invention. For at least these reasons, independent claim 1 is believed to be clearly allowable over the applied art.

Dependent claim 25 depends from independent claim 1 (discussed above) and recites the further limitation that the programming content divided into the chunks of data is a motion picture. With respect to this feature of the invention, the Office Action simply asserts, "...the Figures in Hoschka show video." However, even the Office Action does not assert that any of Hoschka's video is divided into chunks of data, as recited in claim 25. For these additional reasons, claim 25 is believed to be clearly allowable over the applied art.

Independent claims 11, 29 and 33 are directed to methods and apparatuses for use in receiving programming content. Initially, plural chunk files and a manifest file are received, with each said chunk file including a chunk of data, and with the manifest file describing how to reassemble the chunks of data to reproduce programming content, in the form of a source file or a data stream, which previously had been divided into said chunks of data (e.g., as described at page 7 lines 1-3, page 9 lines 2-5, and lines 8-16, page 15 lines 13-15 of the Specification). The programming content is reassembled and at least one of executed or played from the chunks of data, according to the information in the manifest file (e.g., as described at page 16 line 29 through page 17 line 2 and page 17 lines 16-20 of the Specification). One aspect of the present claims is that at least one of the foregoing received files is received electronically and at least one of the foregoing received files is received on a physical storage medium.

This combination of features is not disclosed or suggested by the applied art. For example, no permissible combination of the applied art would have disclosed or suggested at least the features of receiving chunk files together with a manifest file that describes how to reassemble the chunks of data in the chunk files to reproduce programming content, in the form of a source file or a data stream, which previously had been divided into such chunks of data,

where at least one of the foregoing received files is received electronically and at least one of the foregoing received files is received on a physical storage medium.

In this regard, for similar reasons to those set forth above, nothing in the applied art even remotely suggests reassembling chunks of data in order to reproduce programming content, in the form of a source file or a data stream, which previously had been divided into such chunks of data. In addition, for similar reasons to those set forth above, nothing in the applied art even remotely suggests receiving at least one of the presently recited files electronically and also receiving at least one of the presently recited files on a physical storage medium.

Accordingly, independent claims 11, 29 and 33 are believed to be allowable over the applied art.

Dependent claims 27 and 31 have been amended above to recite that the programming content reassembled from the chunks of data is a composite audio/video stream (e.g., as described at page 9 lines 2-5 and lines 8-16 of the Specification). Clearly, nothing in the applied art even remotely suggests reassembling a composite audio/video stream. Accordingly, for this additional reason, claims 27 and 31 are believed to be allowable over the applied art.

New claim 34 depends from independent claim 1 (discussed above) and recites the additional feature that step (a) is performed by dividing a source file into plural of the chunk files. This feature of the invention is supported, e.g., by page 7 lines 2-3 and page 9 lines 3-4 of the Specification and, particularly in combination with the other features recited in claim 1, is not believed to be disclosed or suggested by the applied art.

New claim 35 depends from independent claim 1 (discussed above) and recites the additional feature that step (a) comprises dividing a composite content stream to create a plurality of the chunks of data. This feature of the invention is supported, e.g., by page 9 lines 2-

5 and lines 8-16 of the Specification and, particularly in combination with the other features recited in claim 1, is not believed to be disclosed or suggested by the applied art.

New claim 36 depends from claim 35 (discussed above) and recites the additional feature that the composite content stream is a composite audio/video stream. This feature of the invention is supported, e.g., by page 9 line 10 of the Specification and, particularly in combination with the other features recited in claim 35, is not believed to be disclosed or suggested by the applied art.

New claims 37 and 38 depend from independent claims 11 and 29 (discussed above) and recite the additional feature that the manifest file also includes an event list that specifies how to combine the composite audio/video stream with other assets to create a version of the digital feature-length theater-quality motion picture. This feature of the invention is supported, e.g., by page 15 lines 15-16 of the Specification and, particularly in combination with the other features recited in claims 11 and 29, is not believed to be disclosed or suggested by the applied art.

The other rejected claims in this application depend from the independent claims discussed above, and are therefore believed to be allowable for at least the same reasons. Because each dependent claim also defines an additional aspect of the invention, however, the individual reconsideration of each on its own merits, in light of the remarks set forth above, is respectfully requested.

In order to sufficiently distinguish Applicants' invention from the applied art, the foregoing remarks emphasize several of the differences between the applied art and Applicants' invention. However, no attempt has been made to categorize each novel and unobvious difference. Applicants' invention comprises all of the elements and all of the interrelationships between those elements recited in the claims. It is believed that for each claim the combination

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of such elements and interrelationships is not disclosed, taught or suggested by the applied art. It is therefore believed that all claims in the application are fully in condition for allowance, and an indication to that effect is respectfully requested.

If there are any fees due in connection with the filing of the currently submitted papers that have not been accounted for in this paper or the accompanying papers, please charge the fees to our Deposit Account No. 502490. If an extension of time under 37 C.F.R. 1.136 is required for the filing of the currently submitted papers and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to our Deposit Account.

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Respectfully submitted,

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